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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,960	07/24/2001	Ola Olofsson	TPP 30887CIP2	4841

7590 10/21/2005

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EXAMINER

MACARTHUR, VICTOR L

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,960

Applicant(s)

OLOFSSON ET AL.

Examiner

Victor MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-16 and 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/10/2005 has been entered.

Claim Objections

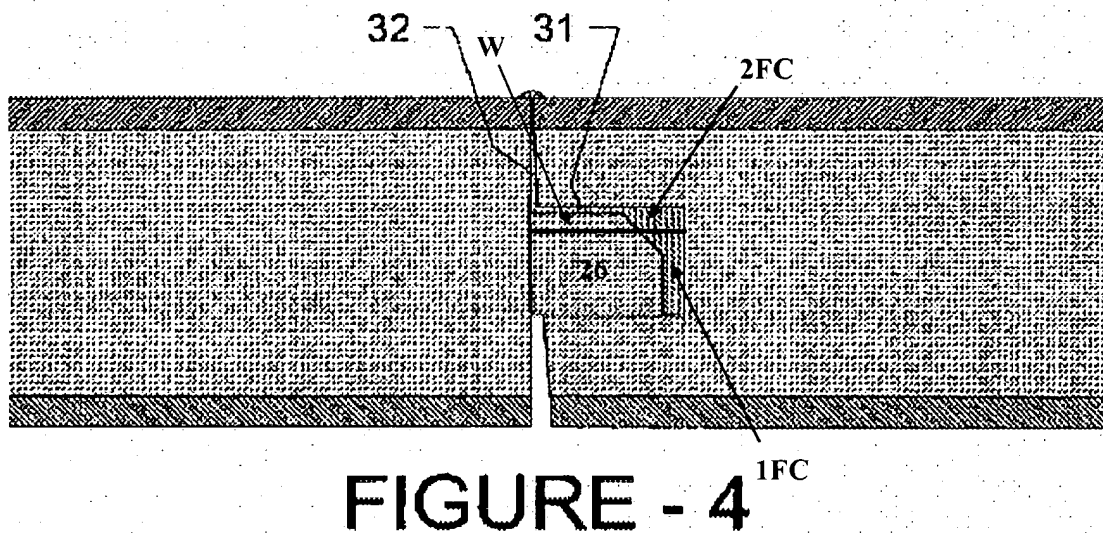
Claim 7 is objected to because of the following informalities:

- The limitation “the guiding wedges” (lines 13-14 of claim 7) lacks proper antecedent basis since the previously recited phrase “at least one guiding wedge” does not necessarily comprise a **plurality** of guiding wedges (emphasis added). The phraseology --wherein the at least one guiding wedge comprises a plurality of guiding wedges-- should be inserted into line 13 to provide proper antecedent basis.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 103

Claims 3-7, 9-15, 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 5,618,602) (see marked-up figure below) in view of Martensson (WO96/27721).



Claim 7 (Independent). Nelson shows and discloses a guiding means at a joint between adjacent boards 10, said boards comprising an upper surface 12, and a core 13, and bounded by edges, at least one of said edges comprising a groove 16 or a tenon 26, said tenon 26 comprising a plurality of guiding wedges **W** (comprised of portions of 27 and 30) wherein the tenon 26 has an angled distal surface and at least one of said guiding wedges **W** is positioned between said angled distal surface and the core 13, wherein a fitting clearance between the tenon 26 of a first of said boards and a groove 16 of the adjacent board includes a first fitting clearance 1FC, the first fitting clearance 1FC being bounded by a distal end 29 of the tenon 26 and a proximal part 19 of the groove 16, and a second, guiding, fitting clearance 2FC which second, guiding, fitting

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clearance **2FC** being bounded by, on at least one side, said guiding wedge **W**, whereby the first fitting clearance **1FC** comprises the main part of the fit and the second, guiding, fitting, clearance **2FC** comprises a smaller part of the fit, and said guiding wedge **W** comprises a distal angled surface **30** and a section **27** extending from said distal angled surface **30** of said guiding wedge to said core **13** (see figures 1-8, *especially* figure 1 and annotated figure 4 below). Nelson fails to disclose that the at least one guiding wedge comprises a plurality of guiding wedges arranged perpendicular to the extension of the joint. Martensson, teaches guiding wedges **9** arranged perpendicular to the extension of a joint in order to strengthen the joint connection. In any event, duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a *plurality* of guiding wedges arranged perpendicular to the extension of the joint, as taught by Martensson, in order to strengthen the joint and further since duplication of components is within the ordinary skill of the art.

Claims 4-6 (each dependant from claim 7). Nelson shows (see figures 5-8) and discloses (column 5 lines 27-40) dimensions and tolerances for the tenon **26** and groove **16**. The resulting fit, given the tolerance ranges, includes the recited ranges.

Claim 8. Nelson shows and discloses a guiding wedge 27,30 but fails to teach a plurality of guiding wedges arranged parallel to the extension of the joint. Duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a *plurality* of guiding wedges

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arranged parallel to the extension of the joint since duplication of components is within the ordinary skill of the art.

Claim 9 (dependant from claim 7) and claims 12-14 (dependant from claims 4-6).

Nelson, as applied above, further includes the core **13** of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate **11** (see figure 1 and column 3 lines 26-36).

Claim 15 (dependant from claim 7). Nelson, as applied above, further includes the core **13** of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate **11** (see figure 1 and column 3 lines 26-36).

Claim 16. Nelson, as applied above, further includes the core **13** of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate **11** (see figure 1 and column 3 lines 26-36).

Claim 18 (dependant from claim 7). Nelson further shows that said guiding wedge **27,30** *consists* of a distal angled surface **30** and a section **27** extending from said distal angled section **30** to said core **13** (see figure 1). That is, the guiding wedge is made up of only the distal angled section and the section extending therefrom to the core.

Claim 19 (Independent). Nelson shows and discloses a first board comprising an upper surface **12** and a core **13**, and bounded by edges, at least one of the edges comprising a groove **16**; in combination with a second board comprising an upper surface **12** and a core **13**, and bounded by edges, at least one of the edges comprising a tenon **26**; the tenon **26** of the second board comprising a guiding wedge **27,30**, the guiding wedge **27,30** comprising a distal angled surface **30** and a section **27** extending from the distal angled section **30** to the core **13** (see figures

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1-8, *especially* figure 1). Nelson fails to disclose that the at least one guiding wedge comprises a plurality of guiding wedges arranged perpendicular to the extension of the joint. Martensson, teaches guiding wedges **9** arranged perpendicular to the extension of a joint in order to strengthen the joint connection. In any event, duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a *plurality* of guiding wedges arranged perpendicular to the extension of the joint, as taught by Martensson, in order to strengthen the joint and further since duplication of components is within the ordinary skill of the art.

Claim 20 (dependant from claim 19). Nelson further shows the combination of the first board and the second board defines at least one fitting clearance (see figures 1-4).

Claim 21 (dependant from claim 20). Nelson further shows and discloses glue **20** disposed inside the at least one fitting clearance (see figures 2-4).

Claim 22 (dependant from claim 19). Nelson further shows and discloses glue **20** disposed between the groove **16** of the first board and the tenon **26** of the second board (see figures 1-4).

Claim 23 (Independent). Nelson shows and discloses a process for forming a joint between adjacent boards, said boards comprising an upper surface **12**, and a core **13**, and bounded by edges, at least one of said edges comprising a groove **16** or a tenon **26** intended to be joined by means of glue **20**, wherein a fitting clearance between the tenon **26** and the groove **16** includes a first fitting clearance, the first fitting clearance being bounded by a distal end **29** of the tenon **26** and a proximal part **19** of the groove **16**, and a second, guiding, fitting clearance which

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second, guiding, fitting clearance being bounded by, on at least one side, a guiding wedge **27,30**, whereby the first fitting clearance comprises the main part of the fit and the second, guiding, fitting, clearance comprises a smaller part of the fit, and said guiding wedge **27,30** comprises a distal angled surface **30** and a section extending from said distal angled section **30** to said core **13** (see figures 1-8, *especially* figure 1), said process comprising assembling the adjacent boards to form said joint (see claim 11 and figures 1-4). Nelson fails to disclose that the at least one guiding wedge comprises a plurality of guiding wedges arranged perpendicular to the extension of the joint. Martensson, teaches guiding wedges **9** arranged perpendicular to the extension of a joint in order to strengthen the joint connection. In any event, duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a *plurality* of guiding wedges arranged perpendicular to the extension of the joint, as taught by Martensson, in order to strengthen the joint and further since duplication of components is within the ordinary skill of the art.

Claim 10 (dependant from claim 23). Nelson, as applied above, further includes the core **13** of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate **11** (see figure 1 and column 3 lines 26-36).

Claim 24 (dependant from claim 23). Nelson further shows and discloses that glue **20** is applied during manufacturing of the guiding wedge **27,30** (see figures 2-4).

Claim 3 (dependant from claim 24). Nelson further shows and discloses the glue **20** is activated before joining the tenon **26** with the groove **16** (see figures 2-4)

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Claim 11 (dependant from claim 3). Nelson, as applied above, further includes the core 13 of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate 11 (see figure 1 and column 3 lines 26-36).

Claim 25 (dependant from claim 23). Nelson further shows applying glue 20 to said at least one edge 19 prior to assembly of said adjacent boards (see figures 2-4).

Response to Arguments

Applicant's arguments with regard to the claim rejections have been fully considered but they are not persuasive.

The applicant argues that the Martensson guiding wedges (9) are arranged parallel to rather than perpendicular to the joint between the boards. This is not persuasive. The mortice and tenon joint of Martensson extends parallel to the boards whereas the Martensson wedges (9) extend upwards and downwards from the tenon, thus meeting the limitation of perpendicular to the joint.

The applicant argues that Martensson fails to disclose various aspects of the applicant's invention (e.g., "interaction of the tenon and groove", "flow relatively free", "hydraulic pressure", etc.) This is not persuasive since these limitations are not recited in the claims.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.



VLM

October 12, 2005



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